



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: MARCH 19, 2001

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEN WEEKLY and MACK

Also Present: COUNCILWOMAN LYNETTE BOGGS-McDONALD, DEPUTY CITY MANAGER DOUG SELBY, CHIEF DEPUTY CITY ATTORNEY VAL STEED, CHRIS GLORE, PLANNING AND DEVELOPMENT DEPARTMENT and DEPUTY CITY CLERK LINDA OWENS

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

Court Clerk's Bulletin Board, City Hall

City Hall Plaza, Posting Board

(4:03)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 19, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-28 – Amends the Zoning Code to expand the applicability of the residential adjacency standards. Sponsored by: Councilwoman Lynette Boggs McDonald

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The Zoning Code includes residential adjacency standards designed to protect single-family residences from the impacts of nonresidential development. It has been determined that such protection should be extended to townhouse and condominium uses and should also protect such development from the impacts of adjacent multi-family development. This bill will accomplish the expansion of the protections of the residential adjacency standards.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-28

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill No. 2001-28 be forwarded to the Full Council with no recommendation, but comments made at meeting to be incorporated in First Amendment - **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF MARCH 19, 2001

Item 1 – Bill 2001-28

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that currently the Zoning Code has some Residential Adjacency Standards that apply whenever commercial and industrial uses are adjacent to single-family residential development. This bill expands those protections. First, when there are commercial or industrial developments coming up against townhouse or condominium developments those same standards would apply. Secondly, it also proposes to have those standards apply when multi-family residential developments come up against single-family residential developments.

MICKI JOHNSON, Sunset Road, appeared on behalf of the National Association of Industrial and Office Properties, a commercial developers trade organization. She expressed concern about the language in the proposed ordinance and stated that she met with COUNCILWOMAN LYNETTE McDONALD, who explained the origin of this bill to her. Condominium and townhouse owners feel they should enjoy the same level of property ownership as a single-family detached residence. Historically, the multi-family has always been a buffer between the single family detached and the commercial developments. MS. JOHNSON discussed with COUNCILMAN REESE that the information contained in Section A.1.b of the proposed ordinance is the definition of apartments. She felt that apartment developers are included in the same scope as non-residential developers. CHRIS GLORE, Planning and Development, added that multi-family residential would still retain the same status in terms of a property not being protected by Residential Adjacency Standards. This would apply only to residential that goes through a subdivision process for individual ownership.

MS. JOHNSON pointed out that she discussed the Mayor's vision with COUNCILWOMAN McDONALD for the downtown redevelopment area multi-use projects. That particular issue was addressed in the proposed bill by exempting that area out. However, she asked about those areas of the city where mixed-use projects are being planned. This is trying to fix something that is the exception rather than the rule. Perhaps an ordinance is not needed, but rather waivers could be given for projects for higher end townhomes and condominiums. MS. JOHNSON felt that if a developer wanted to build a project that didn't meet the 3 to 1 slope requirement, then more waivers would be requested. COUNCILMAN WEEKLY noted that it is on a case-by-case basis.

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Item 1 – Bill 2001-28

MINUTES – Continued:

COUNCILMAN MACK indicated he shares the same concerns because what is attempting to be accomplished in the Town Center area is a mixed use with residential component along with retail. COUNCILWOMAN McDONALD responded that mixed use should be exempt from this, as should any area within the Redevelopment area. MS. JOHNSON pointed out that this bill states the Redevelopment area is exempt, but not the mixed-use projects.

COUNCILMAN MACK discussed with MR. GLORE that the additional language would address Town Center issues. However, he stressed that it should be ascertained that the language indicate a vertical mixed use as opposed to horizontal mixed use.

COUNCILMAN WEEKLY wondered if this bill implies that there is no type of discretion in variances or waivers. COUNCILWOMAN McDONALD added that there are many high end condominium and townhouse projects that are being constructed within the city limits. This bill would protect those investments from commercial development and at the same time protect those who live in single-family homes from townhomes being constructed in their back yards. She has had situations in her Ward where townhomes have been allowed 35 feet behind someone's block wall. To try to prevent those types of situations there would be a 3 to 1 ratio that is applied in situations where single family residential is abutting commercial, with the exception of the Redevelopment area or whenever there was a mixed use being constructed with a residential use above it or some other use above it.

MS. JOHNSON said there have been many times in the multi-family development where a developer will map it for condominiums, but use it as apartments to be able to get a different density. COUNCILWOMAN McDONALD added that the intent of this bill is for a for-sale product.

CHIEF DEPUTY CITY ATTORNEY STEED replied that the ordinance covers that. There is a reference to townhouse/condominiums in the Summary Page under Purpose/Background. The protected property is described in terms of developed for sale.

RECOMMENDING COMMITTEE MEETING OF MARCH 19, 2001
Item 1 – Bill 2001-28

MINUTES – Continued:

COUNCILMAN MACK asked about the protection in Town Center if those were condos above retail. COUNCILWOMAN McDONALD answered that unless some language has been left out, mixed use development would be excluded from this bill.

CHIEF DEPUTY CITY ATTORNEY STEED asked for clarification on the term “mixed use.” COUNCILWOMAN McDONALD indicated that she believed it meant there is a commercial development on the ground level and office or residential use, or some other non-retail use above it. There would be different types of uses in one development going vertical.

MR. GLORE explained that Title 19A does not have a definition of “mixed use.” Another approach might be to exempt certain sections of Town Center, like the urban part of the Main Street mixed use area. Beyond that a developer could ask for a variance on a case-by-case basis.

COUNCILWOMAN McDONALD added that at the present time the Redevelopment area does not apply to redevelopment. She does not have an issue with another land area being excluded. In her Ward she needs to make sure that the commercial has the adjacency standards.

COUNCILMAN WEEKLY stated that this is a good bill since there have been instances on the City Council where this issue has arisen. He suggested that language be added to further protect Town Center, as well as COUNCILWOMAN McDONALD’s Ward. Ward 5 does not deal with as much redevelopment. COUNCILWOMAN McDONALD reiterated that her intention was to exclude any mixed-use development from the provisions of this proposed ordinance.

MR. GLORE recommended that certain areas be exempt where it would be anticipated that there would be a large concentration of mixed use. That would allow mixed-use projects that may or may not meet the intent of being excluded to be able to apply for a variance. There may be situations where mixed-use projects do not have a substantial component of residential and it may not be appropriate.

DEPUTY CITY MANAGER SELBY referred to the top of page 2 under item 3 and amended it to include the following additional language: The residential adjacency standards set forth in this Subchapter shall not apply to any property in the Downtown Overlay District **or redevelopment district or other areas where mixed use has been designated in approved plans.** That would cover anything already designated as mixed use.

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Item 1 – Bill 2001-28

MINUTES – Continued:

TODD FARLOW, 240 North 19th Street, verified with MR. GLORE that the area from Stewart Avenue to Charleston Boulevard and Eastern Avenue to Bruce Street is not in the Downtown Overlay District and stated that this area should be exempt. MR. FARLOW pointed out a section of the bill that addresses the use of alleys and stated that Silver State Disposal should decide what is the most efficient use of their employees and equipment so the rates do not have to be raised. Las Vegas has the lowest trash rates in the country at the present time.

CHIEF DEPUTY CITY ATTORNEY STEED stated that there is no dispute about the Overlay District and what the Redevelopment Area is. However, he cautioned that somebody who thinks they are in a third category should not think they do not have to comply with the Residential Adjacency Standards.

DEPUTY CITY MANAGER SELBY thought that Town Center has a mixed-use designation within its plan. CHIEF DEPUTY CITY ATTORNEY STEED verified with DEPUTY CITY MANAGER SELBY that there is a geographical area within Town Center.

COUNCILMAN MACK asked where the Residential Adjacency Standards are in Suburban Mixed Use. MR. GLORE said that his concern is to open this up too broadly. Suburban Mixed Use was intended to have a horizontal mixture of uses, but because of the Low Density Residential, the City has to be careful as to which areas are designated Town Center.

CHIEF DEPUTY CITY ATTORNEY STEED suggested that in paragraph 3 on page 2 only the Downtown Overlay District and the Redevelopment Area be referenced. Presently the waiver is available only to projects having to do with affordable housing, as described on page 3 under paragraph 5. Perhaps the waiver could be made available also in cases where (and then fill in the (blank) having to do with mixed use. COUNCILMAN MACK stated that he feels more comfortable having some discretion because the intent is to protect condos and town homeowners the same way single family owners are protected

MARK JONES, 3610 North Rancho Drive, referred to Park Towers in Hughes Center. Those towers are 30 or 40 stories and now there are 3 to 1 adjacency standards for commercial. COUNCILWOMAN McDONALD noted that the way this is structured encourages the redevelopment areas to be developed with uses such as the Park Towers. In addition, MR. JONES stated that the Residential Adjacency Standards include street rights-of-way as indicated in page 1, A.2.a. He asked whether the public right-of-way being 60 feet would have to be included and act also as a buffer.

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Item 1 – Bill 2001-28

MINUTES – Continued:

COUNCILWOMAN McDONALD deferred to MR. GLORE regarding the 3 to 1 ratio and whether the streets are included in the count. MR. GLORE replied that it does. He added that if the language were changed as to how adjacency is interpreted, that is a whole separate issue.

COUNCILMAN MACK made a motion to bring this bill forward to the City Council with no recommendation. There are some concerns in regard to mixed use, multi-family, as well as to having the discretion left open.

COUNCILWOMAN McDONALD requested that the comments discussed at this meeting should be incorporated and be proposed for a First Amendment and forwarded to the full Council.

CHIEF DEPUTY CITY ATTORNEY STEED said that with reference to MR. JONES' comment on the street right-of-way, the language on the first page is actually new. The existing language was completely deleted and this is a replacement. That language indicates property being adjacent only in the case of a common property line being shared. The fact that there is a street between two properties does not mean it is not adjacent.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:03 - 4:25)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 19, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-29 – Prohibits the use "Animal Hospital, Clinic, Shelter or Boarding/Kennel with Outside Pens" in the U, R-A and R-E Zoning Districts. Proposed by: Bob Genzer, Acting Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

It has been determined that commercial animal-related uses with pens located outdoors are no longer appropriate in low-density residential areas. This bill will eliminate the ability to locate those uses in the U, R-A and R-E Zoning Districts.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-29

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill No. 2001-29 be STRICKEN from the agenda - COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY announced that staff has some concerns regarding this bill and have requested it be stricken from the agenda.

(4:25 - 4:26)

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AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: MARCH 19, 2001**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2001-30 – Repeals LVMC 2.09.170, relating to the organization of the Department of Neighborhood Services. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

Last year the Council adopted Ordinance No. 5247, which deleted from the Municipal Code the specific listing of divisions within the various departments and authorized the City Manager to establish and change divisions as necessary. When Ordinance No. 5247 was adopted, it did not take into account an ordinance adopted just two months earlier (No. 5232), which listed the divisions of the Department of Neighborhood Services but had not yet been published in the Code. This bill will repeal the section adopted by Ordinance No. 5232 so as to accomplish the intent of Ordinance No. 5247.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-30

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill No. 2001-30 be forwarded to the Full Council with a "DO PASS" recommendation - COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF MARCH 19, 2001
Item 3 – Bill 2001-30

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED said this is a housekeeping item. The only department in the City that lists its divisions in the Code is the Department of Neighborhood Services. The ordinance that adopted the divisions for Neighborhood Services was in the process of being codified. The City adopted another ordinance indicating that it would be the City Manager's prerogative to establish and change divisions as necessary. This is simply to reflect the original intent that none of the departments have their divisions listed.

JUANITA CLARK asked whether the code would be changed so that other departments would have divisions. CHIEF DEPUTY CITY ATTORNEY STEED stated that the Code would no longer contain any department divisions. The Code will indicate the name of the department and the divisions will be internal for the City Manager to adjust as necessary. COUNCILMAN WEEKLY gave names of divisions under the Department of Neighborhood Services as an example.

CHIEF DEPUTY CITY ATTORNEY VAL STEED added that what has happened over the years is that departments have made adjustments and the Code has not been updated so there are divisions listed in the Code that no longer exist.

MS. CLARK asked that if she were to telephone Neighborhood Response, whether she would just call Neighborhood Services and be directed accordingly. CHIEF DEPUTY CITY ATTORNEY STEED replied that it would not change how the department conducts business and the telephone numbers remain the same. This is only a housekeeping item.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:26 - 4:30)

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RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: MARCH 19, 2001

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

None.

(4:30)
1 - 870

THE MEETING ADJOURNED AT 4:30 P.M.

Respectfully submitted:_____

LINDA OWENS
April 9, 2001